



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of:

GONYE ET AL

CASE NO.: BC1042 US NA

SERIAL NO.: 09/832,419

GROUP ART UNIT: 1636

FILED: APRIL 11, 2001
ALAN

EXAMINER: MCKELVEY, TERRY

FOR: CELLULAR ARRAYS FOR THE
IDENTIFICATION OF ALTERED GENE
EXPRESSION

RECEIVED

AUG 21 2002

RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents
Washington, DC 20231

TECH CENTER 1600/2900

Sir:

This response and amendment is filed outside the shortened three month statutory period for response. A request for a one month extension of time, including the appropriate fee accompanies this response.

By an Office Action dated July 3, 2002 the above-referenced application has been made subject to a requirement to restrict. The Examiner finds that the case contains eleven distinct inventions. In relevant part the Examiner has taken the position that claims 1-2 and 9-13 (insofar as Claims 9-13 depend on Claims 1-2) (Group 1), are drawn to a method for determining gene function between at least two genome-registered collections classified in Class 435 subclass 29.

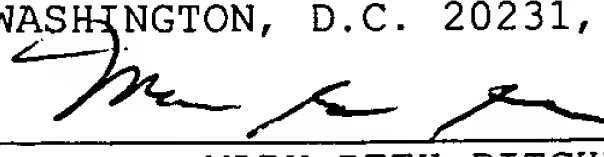
Election of claims is required under 37 CFR 1.143 as well as election of species, drawn from the elements recited in claim 2.

Accordingly Applicants hereby elect Group 1 encompassing Claims 1-2 and 9-13 without traverse.

Applicant hereby elects "the presence of chemicals" as the species.

I HEREBY CERTIFY THAT THIS PAPER IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: ASST. COMMISSIONER FOR PATENT, WASHINGTON, D.C. 20231, ON THIS DATE.

8/14/02
DATE


MARY BETH PITCHER

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✓ Please cancel claims 3-8, and 14-22 as drawn to a non-elected invention.

The above Election of Claims and species and cancellation of Claims does not alter the inventorship of the application.

Applicants reserve the right to file a divisional application to the non-elected matter. In making this election Applicants make no representations or admissions regarding the reasoning employed by the Examiner in support of the restriction.

Should there be any fee due in connection with the filing of this Response To Restriction Requirement please charge such fee to Deposit Account No. 04-1928 (E. I. du Pont de Nemours and Company).

Respectfully submitted,

MD Feltham
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Dated: 8/14/02